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Attorney Docket No. 05213-2141

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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JAN 22 2004

OFFICE OF PETITIONS

In re Application of:

Pirie-Shepherd et al.

Group Art Unit: 1642

Serial No.: 09/502,176

Examiner: Harris, A.

Filed: February 10, 2000

For: Deglycosylated Kringle 1-3 Region
Fragments of Plasminogen and
Methods of Use

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PETITION TO WITHDRAW HOLDING OF ABANDONMENT
UNDER 37 CFR 1.137(a)

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1430

Sir:

In response to the Notice of Abandonment mailed December 11, 2003, applicants respectfully request that the holding of abandonment be withdrawn on the grounds that the Response to the most recent Office Action was timely filed by the applicants.

The Notice of Abandonment sets the reasons of Abandonment as applicants' failure to timely file a proper reply to the Office Letter mailed May 13, 2003. Applicants respectfully submit that, on November 13, they mailed a full and complete Fourth Response to the Office Action (Exhibit A) (hereinafter referred to as "the Response") in response to the non-final Office Action mailed May 13, 2003, a six-month period of response to which expired on November 13,

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mailstop Petitions, Commissioner for Patents, P.O. Box 1450 Alexandria, Virginia 22313-1450, on January 16, 2004.

Elena S. Polonikova

Elena S. Polonikova, Ph.D. - Reg. No. 52,130

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2003.

A three-month extension of time to submit a response to the Office Action mailed May 13, 2003, was requested. A Petition for Extension of Time for a three-month extension of time (Exhibit B) and a check in the amount to cover the fee for a three-month extension of time (Exhibit C) to expire on November 13, 2003, were enclosed. An authorization to charge any deficiencies which may be required or credit any overpayment to Deposit Account Number 11-0855 was included in the Response, as was an appropriate Certificate of Mailing (please refer to Exhibit A).

A return postcard was included with the Response. The postcard was stamped by the U.S. Patent and Trademark Office (USPTO) on November 18, 2003, and returned to applicants (Exhibit D).

Applicants received no further communications regarding the present application from the USPTO until the Notice of Abandonment on December 15, 2003.

In view of the fact that applicants timely filed the Response to the most recent Office Action, and the USPTO confirmed the receipt of the Response, applicants respectfully assert that the abandonment of the application for failure to timely respond to the May 13, 2003, Office Action was premature and due to an error of the U.S. Patent and Trademark Office (USPTO). Applicants respectfully assert that the abandonment of the present application was unavoidable and request that the holding of abandonment be withdrawn.

Applicants respectfully request consideration of the Fourth Response to Office Action timely filed November 13, 2003 (Exhibit A), amendment of the specification as requested in the Response, and reconsideration of the rejected claims based upon the Response.

Applicants assert that the claims of the above-reference application are now in condition for allowance and respectfully request that the application be passed to issuance upon grant of the present Petition. If the Examiner believes that any informalities remain in the case which may be corrected by Examiner's amendment, or that there are any other issues which can be resolved by a telephone interview, a telephone call to the undersigned agent at (404) 815-6102 is respectfully solicited.

The petition fee as set forth in 37 C.F.R. 1.17(l) is enclosed herewith.

No additional fees are believed due, however, the Commissioner is hereby authorized to charge any deficiencies which may be required or credit any overpayment to Deposit Account Number 11-0855.

Respectfully submitted,

KILPATRICK STOCKTON LLP



By: Elena S. Polovnikova, Ph.D.
Patent Agent
Reg. No.: 52,130

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1100 Peachtree Street, Suite 2800
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Facsimile: (404) 815-6555
Atty. Docket: 05213-2141 (43170-219913)

EX. B

The U.S. Patent & Trademark Office official Mailroom stamp
affixed hereto, acknowledges receipt of the items listed below:

Application No: 09/502,176

Filing Date: February 10, 2000

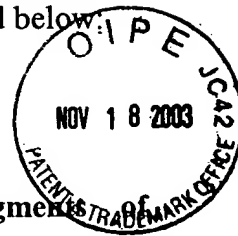
Inventor: Pirie-Shepherd et al.

For: Deglycosylated Kringle 1-3 Region Fragments
Plasminogen and Methods of Use

Papers Submitted: Petition for Extension of Time; Fourth
Response to Office Action; Substitute Specification;
\$475.00

Docket No.: 05213-2141 (43170-219913)

Date Mailed November 13, 2003 Atty/Sec'y: ESP:ckf



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Group Art Unit: 1642

Examiner: Harris, A.

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Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

The above-identified applicant respectfully requests a three-month extension of time within which to file a response to the Office Action mailed May 13, 2003, now set to expire November 13, 2003. A check is enclosed herewith to cover a three-month extension fee of \$475.00.

Please charge any additional fees, or credit any overpayment, to Deposit Account 11-0855. A duplicate copy of this sheet is attached.


Elena S. Polovnikova, Ph.D.
Patent Agent
Reg. No. 52,130

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Atlanta, Georgia 30309-4530
Telephone: (404) 815-6500
Our Docket: 05213-2141 (43170-219913)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450 Alexandria, Virginia 22313-1450, on November 13, 2003.

Elena S. Polovnikova, Ph.D. - Reg. No. 52,130

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